IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 31523 of 1997

Between:

1 Vemulapalli Satyanarayana, S/o Late Narayana Rao,
Dippakayalapadu, Koyyalagudem Mandal, W.G.District.
2 Yalamanchili Ravi Ashok, S/o Govinda Babu,
Dippakayalapadu, Koyyalagudem Mandal, W.G.District.
3 Pinnamaneni Lakshminarasamma W/o Radhakrishna
Dippakayalapadu, Koyyalagudem Mandal, W.G.District.
4 Yanamadala Vijayalakshmi, W/o Dharma Rao,
Dippakayalapadu, Koyyalagudem Mandal, W.G.District.
5 Yenamadala Satyavathi, W/o Veeraiah,
Dippakayalapadu, Koyyalagudem Mandal, W.G.District.
6 Geda Venkataratnamma, W/o Venkanna,
Dippakayalapadu, Koyyalagudem Mandal, W.G.District.

..... PETITIONERS

AND

1 Govt of A.P, Rep by its Secretary, Revenue Department,
Secretariat, Hyderabad.
2 District Collector, West Godavari District, Eluru.
3 Superintendent of Police, Eluru, West Godavari District.
4 Deputy Superintendent of Police, Jangareddigudem, W.G.District.
5 Station House Officer, Koyyalagudem, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Mandamus, declaring that the village Dippakayalapadu of Koyyalagudem Mandal of West Godavari District is plain area but not tribal area and Consequently direct the Respondents to provide Police protection to the petitioners to enable them to harvest the crops in the lands in S.Nos.12, 12/4, 17, 24/1, 24/2, 32/2 and 35 of Dippakayalapadu Village.

Counsel for the Petitioners: MR.B.ADINARAYANA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

By this writ petition, the petitioners seek to declare the village Dippakayalapadu of Koyyalagudem Mandal, West Godavari District as plain area, and consequently to direct the respondents to provide them police protection at the time of harvesting the crops in the lands in survey Nos.12, 12/4, 17, 24/1, 24/2, 32/2 and 35 of Dippakayalapadu village.

The petitioners claim to be owners and possessors of certain extents in the subject lands. It is stated that Dippakayalapadu is not a scheduled area and it is situated in plain area as per the certificate issued by the Mandal Revenue Officer, Koyyalagudem, and the tribals of Marrigudem, Kitchappagudem and Venkabothalppagudem had been highhandedly trespassing into and taking away the crops in the subject lands, for which there were frequent clashes between tribals and ryots. The petitioners state that now the crops in the subject lands are ripe for harvesting, and as there is a threat from the tribals to their crops, they have lodged complaints requesting respondent Nos.2 to 5 to provide them police protection at the time of harvesting the crops in the subject lands, but the respondents have not taken any steps in the matter. Hence, the writ petition.

The fifth respondent-Station House Officer, Koyyalagudem filed a counter-affidavit admitting that Dippakayalapadu, which is within the limits of Koyyalagudem Police Station, is a plain area and there are frequent clashes between the tribal and non-tribal ryots in scheduled areas of West Godavari District. It is stated that whenever non-tribals are trespassing into the lands of the petitioners, police aid is being provided to the petitioners. In 1998 two cases were registered in Crime Nos.2 of 1998 and 72 of 1998 on the complaints lodged by the petitioners and they are pending trial on the file of II Additional Judicial First Class Magistrate. It is also

stated that recently on 27-7-1999, 28-7-1999 and 29-7-1999 police protection was given to the lands of the petitioners, and as and when occasion arose, police aid was given on the representations made by the petitioners.

In view of the averments in the counter-affidavit filed by the fifth respondent, no further orders are required to be passed in this writ petition. However, if any untoward incident takes place, the petitioners are at liberty to approach the fifth respondent-police station for protection of their crops in the subject lands.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J

Date: 05-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt of A.P, Revenue Department,
Secretariat, Hyderabad.
2 District Collector,
West Godavari District, Eluru.
3 Superintendent of Police,
Eluru, West Godavari District.
4 Deputy Superintendent of Police,
Jangareddigudem, W.G.District.
5 Station House Officer,
Koyyalagudem, West Godavari District.

6 Two Ccs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT).

7 Two CD copies

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